

Appln. No. 09/955,857  
Amdt. dated September 12, 2003  
Reply to Office Action of May 12, 2003

**REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

The May 12, 2003 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

**DRAWINGS**

In the Office Action the Examiner objects to the drawings as not showing every feature of the invention specified in the claims. Specifically, the Examiner contends that the "photographing shutter" and/or "shutter mechanisms" must be shown in the drawings or the features cancelled from the claims.

In response, Applicants respectfully state that the "photographing shutter" corresponds to electromagnetic shutter 56 shown in Figs. 16, 17 and 18. Applicants also state that the "shutter mechanism" corresponds to second iris plate 50, link pins 51, mechanism shutter base 57, opening 57a, projection parts 57b, long holes 57c, stopper pins 57d, mechanical shutter 58,

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shutter pin 58a, length lever 60, groove 60a, contact portion 60b and coil spring 61.

In view of the foregoing, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Figs. 1, 2A, 3, 4 and 19 are amended in this response and corrected formal drawings for Figs. 1, 2A, 3, 4 and 19 are also submitted. Reference numerals "51" and "52" are changed to -- 151 -- and -- 152 -- in Figs. 1, 2A, 3 and 4. The first occurrence of reference numeral "57d" has been changed to -- 57b -- in Fig. 19. These changes are necessary to correct inadvertent errors in the application. No new matter is added.

#### SPECIFICATION

The specification is amended to correspond to the changes made to the drawings as explained above. No new matter is added.

#### REJECTION UNDER 35 USC 112

In the Office Action, claims 1-3 and 10-17 are rejected under the second paragraph of 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

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In response, the claims are amended in a sincere effort to obviate the indefiniteness rejection. In view of the amendment of the claims, reconsideration and withdrawal of the rejection under the second paragraph of 35 USC 112 are respectfully requested.

REJECTION UNDER 35 USC 103

In the Office Action claims 1-3 and 10-17 are rejected under 35 USC 103 as being unpatentable over USP 4,770,520 (Hoogesteger) in view of USP 4,143,938 (Feinbloom).

In response, the claims are amended and remarks are set forth below in a sincere effort to more clearly define the present invention over the cited references and to point out patentable features of the claimed invention.

Independent claim 1 is directed to an inverted microscope and was amended to recite first, second and third photographing lens units each having different photographing magnifications which are provided for the photographing device, the TV camera and the digital camera device, respectively. Neither Hoogesteger nor Feinbloom discloses, teaches or suggests, when taken either alone or in combination, the first, second and third photographing lens units as now recited in claim 1.

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In view of the foregoing, claim 1 and claim 3 which is dependent thereon are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

Claim 10 is amended to be in independent form and includes limitations from claims 1 and 11. Claim 10 is directed to an inverted microscope which includes shutter mechanisms arranged in the light path toward the first camera side split by the light path's switching mechanism which blocks (shields) the image formation light flux on the light path in synchronization with the switching actions of the light path switching mechanism.

An inverted microscope including a shutter mechanism as defined by claim 10 is not disclosed, taught or suggested in the cited reference. The present claimed invention is advantageous over the prior art in that even if a 35 mm photographing device is removed from the microscope main body, the film of the photographing device is not exposed (that is, the light flux is not reached) because the ambient light can be completely blocked (shielded).

In view of the foregoing, claim 10 and claims 12-14 which are dependent thereon, are patentable over the cited references under 35 USC (102) as well as 35 USC (102).

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Claim 15 is amended to be in independent form and includes limitations from claims 1 and 10. Claim 15 is directed to an inverted microscope wherein the image formed on the image output port is an image that is reflected once by a reflection member provided to the microscope main body in a light path from the observation sample to the image output port in the light path for the image output port to the film surface of the photographing device. Claim 15 also recites that the image formed on the film surface of the photographing device is an image that is obtained by reflecting the light flux an even-number of times by a reflection member in the light path from the observation sample to the film surface. Such features as recited in claim 15 are not disclosed, taught or suggested in the cited references.

Claims 16 and 17 which are dependent on claim 15 are patentable over the cited references in view of their dependence on claim 15 and because the references do not disclose, teach or suggest the limitations recited in claims 16 and 17. Claim 16 has been amended to be in better form for consideration by the Examiner and to be in better form for allowance.

In view of the foregoing, claims 1, 3, 10 and 12-17 are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

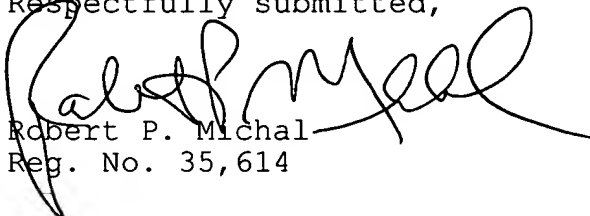
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Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Petition for Extension of Time  
Annotated Drawings  
New Formal Drawings